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| FREDERICK LUEHRS, III, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:23-cv-234 |
| |) | |
| VINCE MICONE, in his official capacity |) | |
| as Acting Secretary of Labor, ¹ |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pursuant to Civil L. R. 7(k), Defendant hereby respectfully notifies the Court of the February 14, 2025 opinion and order in *Utah v. Micone*, No. 23-cv-16 (N.D. Tex.), granting summary judgment in favor of Defendants—Vince Micone, in his official capacity as Acting Secretary of Labor, and the U.S. Department of Labor—following remand from Fifth Circuit “for the limited purpose of reconsidering Plaintiffs’ challenge in light of the Supreme Court’s decision in *Loper Bright v. Raimondo*, 144 S. Ct. 2244 (2024).” *Utah v. Su*, 109 F.4th 313, 322 (5th Cir. 2024). The *Utah* court determined that the rule Plaintiff challenges here—Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights, 87 Fed. Reg. 73822 (Dec. 1, 2022) (“Final Rule”)—was not in excess of statutory authority under *Loper Bright*. The court also declined to revisit its prior, pre-remand holding that the Final Rule was not arbitrary or capricious under the Administrative Procedure Act. The opinion is attached hereto and available online at *Utah v. Micone*, No. 2:23-CV-016-Z, 2025 WL 510331 (N.D. Tex. Feb. 14, 2025).

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Dated: February 21, 2025

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